

# Social Justice and Child Poverty

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This paper argues that the focus of government antipoverty programs should be adult poverty, not child poverty. Although impoverished children capture public sympathy, while poor adults do not, the only way to solve the problem of child poverty is by enabling parents to earn enough income to support their children. Thus, the policy initiative that would be most beneficial to the nation's impoverished children would be federal legislation that guarantees parents the opportunity to work at jobs that yield an income sufficient to feed a family of four.

Moreover, if Congress were to enact this legislation, then the government would have largely fulfilled its responsibility regarding the problem of child poverty. To be sure, there is an important role for the government to play in making sure that single parents receive the child support they are owed from absent parents (a subject I shall discuss in some detail in this paper). There is also the imperative role the government must play in making sure that all children receive an education that adequately prepares them for the rights and responsibilities of adult citizenship in a constitutional democracy (a topic I shall leave for another occasion). But, essentially, the government has met its basic obligation concerning impoverished families if and when it guarantees that parents will be able to earn enough income to support two children.

To be specific, the government has no obligation to provide parents with enough money to support three or more children. As I shall endeavor to explain in this paper, responsibility for supporting more than two children should lie solely with the children's parents and not with the state. The consequence of limiting government support to the cost of two children may be that some children in larger families will still live in poverty, although I will show that this need not be the case if parents are willing to work overtime to feed their larger families. In any event, for reasons I shall elaborate, I maintain that the government should not subsidize the reproductive choices of parents who want more than two children. Accordingly, the government should not adopt any program that is specifically designed to enable impoverished families to support all of their children, no matter how many children they happen to have.

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## I

Some policy analysts advocate that the government should give parents a "child allowance" to cover the basic costs of raising a child, which are officially estimated to be approximately \$2500 per child per year.<sup>1</sup> I disagree. I believe instead that the government should give adults (people over eighteen years of age) a "personal allowance" of \$2500 per year, whether or not they have any children. Adults could use this money to finance the costs of raising children, if they wished, or they could use this money to pay for whatever else they might value in life. Moreover, in contrast to a "child allowance," which would give parents \$2500 a year for each child in their custody, this "personal allowance" would limit each adult to only one allotment of \$2500 per year, regardless of the number of children in the household. Married couples would receive two allotments, one for each individual, which they could use to raise two children, but they would not receive any additional allotments if they decided to have additional children.

If, in addition to providing this personal allowance, the government guaranteed each adult a full-time job paying \$5 per hour, the combined effect would be that a married couple could support two children on one spouse's wages, thereby enabling the other spouse to stay home to take care of the kids. According to official guidelines, a married couple with two children needs \$15,000 a year to escape poverty.<sup>2</sup> By working 2000 hours a year at \$5 per hour, one spouse could earn enough money, when supplemented by both spouses' personal allowances, to keep the family out of poverty.

Of course, both spouses would be eligible to work, if they wished, at the government-guaranteed minimum-wage jobs, but then they would need to pay someone to take care of their children while they worked (assuming that the children were not yet old enough to attend public school).<sup>3</sup> The

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<sup>1</sup> See Annual Update of the HHS Poverty Guidelines, 60 Fed. Reg. 7772 (1995). This amount is intended to cover basic necessities like food, clothing, and shelter, but does not cover a preschool child's daycare expenses. For a general discussion of "child allowance" proposals, see SHIELA B. KAMERMAN & ALFRED J. KAHN, *STARTING RIGHT* (1995). This paper does not address the separate topic of health insurance for children.

<sup>2</sup> HHS Poverty Guidelines, *supra* note 1.

<sup>3</sup> For the sake of simplicity, I shall assume that public schools should offer their students a year-long full day program, including arts, sports, and other extracurricular activities. But even without this assumption, the argument presented in this essay is still

married couple should be able to find a neighbor to take care of their two preschool children for \$100 per week (\$50 per week per child) in the neighbor's own home. At this rate, the neighbor would earn the same weekly income by taking care of four children as would a person earning \$5 per hour at a government-guaranteed job: \$200 per week. If the married couple made this daycare arrangement with their neighbor, they would have an extra \$5000 in income at the end of the year: \$10,000 in wages from the second job minus \$5000 in daycare expenses.<sup>4</sup>

The married couple would also have \$5000 more at the end of the year if one spouse, instead of working at the government-guaranteed minimum-wage job, took care of a neighbor's two children while taking care of the couple's own two children. In other words, a parent would do just as well taking in a neighbor's children (at \$50 per child per week) as leaving her own children in a neighbor's house so that she can go to a job that pays \$5 per hour. Perhaps two mothers in the same neighborhood would like to take turns watching the children and working outside the house: one mother works a part-time shift at a minimum-wage job from 8:00 a.m. to noon, while the other mother watches both sets of children; then from 1:00 p.m. to 5:00 p.m. the first mother watches all four kids, while the other mother goes to work part-time.<sup>5</sup> Both mothers take home \$100 a week from their part-time jobs, or \$5000 a year (assuming two weeks of vacation),

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valid. Since I claim that parents should be responsible for the full day care costs of preschool children, if this claim is correct, then it follows also that parents should be responsible for the part-time cost of after-school day care for school-aged children.

<sup>4</sup> One way to guarantee the availability of affordable daycare would be for the government to hire daycare workers at the minimum wage of \$5 per hour. In other words, the government-guaranteed minimum-wage job available to adults without alternative prospects for employment would be to provide daycare services to parents without any alternative source of daycare for their children. While these government-hired daycare workers might not be the highest quality daycare workers, given that they earn only \$10,000 per year, if parents want better quality daycare for their children, they could offer a premium in the marketplace for higher-skilled workers. As we have seen, a married couple with \$25,000 in income could afford, if they wished, to spend \$10,000 a year on daycare for their two children. A daycare worker who supervised four children at this rate, would earn \$20,000 per year, or twice the minimum wage.

<sup>5</sup> Obviously, I don't mean to imply that only mothers will stay home with their children. But statistically most stay-at-home parents are mothers, and many working mothers would like the financial option of staying at home with their preschool children. See generally PENELOPE LEACH, *CHILDREN FIRST* (1994) (discussing the dilemmas of modern motherhood).

and neither has out-of-pocket child-care expenses. Thus, a family of four would be in the same financial situation under any of these three scenarios.

All three scenarios also demonstrate that a family of four faces an "opportunity cost" of \$5000 per year if the parents decide that one of them should stay at home full-time with only their two children and not take in a neighbor's two children for \$5000 per year. But married couples should be free to make this choice, if they wish. If it is more important to them that their own children receive the sole attention of the stay-at-home parent, then the couple should be able to purchase this benefit at the cost of \$5000 per year in lost income. The proposed personal allowance achieves this objective, since it permits one spouse to stay at home full-time, taking care of only the couple's own two children, without the family of four falling below the poverty line.

## II

But suppose a married couple has three children, rather than two. A family of five needs \$17,500 to escape poverty (\$2500 more than a family of four), not counting any daycare expenses the couple has if both spouses work outside the home. In this situation, one full-time job (at \$5 per hour) plus two personal allowances of \$2500 each does not suffice to keep the family out of poverty. For this reason, it may be tempting to believe that the government should give the family a third allotment of \$2500 to cover the cost of the additional child.

This idea is precisely what I emphatically reject. If a married couple wants to have a third child, the couple should make the financial sacrifices necessary to do so. Married couples who decide to have only two children or fewer should not be required to subsidize another couple's desire for an additional child. The taxes necessary to pay this couple an additional \$2500 a year (because they decided to have a third child) would be collected from married couples who decided not to have three children (as well as from individuals who have chosen not to get married). This taxation of small families to subsidize large families is wrong. People should pay for their own reproductive choices. In fact, precisely because people have—and should have—the liberty to have as many children as they wish, no one else should be forced to pay for the reproductive choices others make.

Even limited to two personal allowances of \$2500 each, a married couple could afford to raise three children in several ways. First, as I have already suggested, one spouse could earn an extra \$2500 a year by taking in one additional child from the neighborhood while taking care of the couple's own three children. This additional income would be just enough to keep the family

out of poverty (assuming, again, that the other spouse works full-time at \$5 per hour). But if it is really important to the couple that their own three children not share the stay-at-home spouse with any other child from the neighborhood, then the other spouse could work an extra ten hours each week. At \$5 per hour, an extra ten hours per week, for fifty weeks a year, would bring in the \$2500 needed for the family to escape poverty. Alternatively, the stay-at-home spouse could work ten hours a week outside the home at night after the other spouse comes home (or on the other spouse's days off).

None of these alternatives may be perfect from the couple's perspective, but the choice to have a third child is not a cost-free decision. After all, the child is another mouth to feed. Thus, someone must pay the basic costs of bringing this additional child into the world. These costs should be borne by the couple who made the choice to have an additional child, and not by other families.

For purposes of this discussion, I assume that the government will guarantee adult citizens the ability to work at \$5 per hour for as many hours per week as they wish. As a result, it is always an option for a couple to have more children if they are willing to have one of the spouses work enough overtime to pay for the additional children. Thus, a couple could afford four children if one spouse works sixty hours per week. Similarly, I assume that the government will guarantee families disability and life insurance in case a wage-earning spouse loses his or her ability to continue earning wages. Thus, the children will not starve if something horrible happens to one of their parents.

### III

The question necessarily arises: Why have personal allowances at all? Why not simply guarantee adults a job at \$5 per hour, for as many hours as they wish, and then let them decide how many children they want? At this wage, a married couple with two children could stay out of poverty if one spouse worked full time and the other spouse took care of two additional children at the same time as taking care of their own. If the couple really wanted the wife to take care of only their children, then the husband could work an extra twenty hours per week. Or, alternatively, the wife could work ten-hour days on the weekends, while the husband took care of the kids.

This approach, while feasible, seems too stingy. Rather, it is reasonable for a married couple to expect that they could have two children and stay out of poverty with the income from only one full-time minimum-wage job. Why is this expectation reasonable? To answer this question, I will invoke a kind of

Rawlsian "veil of ignorance" analysis.<sup>6</sup> If individuals in society did not know whether they were at the bottom of society's wage scale, forced to rely on the government's guarantee of a minimum wage, they would want a married couple to be able to support two children with just one spouse working full time. Even though behind the veil of ignorance these individuals would not know their own preferences concerning how many children to have, if any, they would know generally that most adults want to have children, usually more than just one. A Rawlsian veil of ignorance, it should be noted, does not preclude knowledge of general facts about human psychology and sociology, and one such fact is that parents generally desire to have more than one child. Thus, in a Rawlsian original position, the parties to the social contract would want to make it possible for married couples to have two children without financial hardship, even when both husband and wife are at the low end of society's wage scale. Moreover, by not knowing their own preferences concerning stay-at-home parenting and child care arrangements, couples would want at least the option for one parent to stay at home with only their own children, without the other parent being forced to work overtime in order for the family to stay out of poverty.

This Rawlsian analysis does not mean that the government should pay married couples \$5000 per year if and only if they have two children. Were this the conclusion of the Rawlsian analysis, unmarried individuals without children, or couples with only one child, could legitimately object that they were being forced to subsidize the reproductive preferences of other people. But this objection disappears if the \$5000 for the married couple comes in the form of two personal allowances, each worth \$2500, that is equally available to childless individuals and families with only one child. People cannot object that the policy of giving individuals personal allowances favors larger rather than smaller families when individuals are entitled to use their personal allowances however they wish. Thus, invoking the Rawlsian idea of a veil of ignorance leads to the conclusion that all adults should receive the same personal allowance, regardless of the number of children they have, but that

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<sup>6</sup> See JOHN RAWLS, *THEORY OF JUSTICE* (1971). For readers unfamiliar with Rawls' basic ideas, excellent introductions can be found in WILL KYMLICKA, *CONTEMPORARY POLITICAL PHILOSOPHY: AN INTRODUCTION* (1990), and JAMES STERBA, *CONTEMPORARY SOCIAL AND POLITICAL PHILOSOPHY* (1995). Essentially, Rawls argues that sound principles of justice are identified by imagining a group of individuals reaching an agreement on principles of justice in a situation in which they know nothing about their particular lives. This purely hypothetical situation, in which the individuals are behind "a veil of ignorance," Rawls calls "the original position."

the personal allowance should be large enough to permit married couples to afford the costs of two children with only one spouse in the workplace.

#### IV

The next question is: Why not raise the amount of the personal allowance to \$3750 per person, which would enable a married couple with three children to escape poverty with just one spouse working full-time earning \$5 per hour? (As we have seen, to escape poverty, a family of five needs \$17,500, which is also the amount that the family would obtain from two personal allowances worth \$3750 each, plus one full-time job that earned \$10,000 per year.) After all, for the reasons I have just explained, no one could object that raising the amount of the personal allowance in this way discriminates against adults with fewer than three children, since they would be free to spend the extra \$1250 per person on whatever they wanted. Thus, why would not individuals behind the Rawlsian veil of ignorance not prefer the larger personal allowance—especially since once the veil is lifted they might find themselves preferring to have three children rather than fewer?

Rawls himself, of course, would argue that individuals behind a veil of ignorance would want to make this personal allowance as high as possible, but this claim seems too ambitious for reasons that many have argued.<sup>7</sup> Maximizing the income available to those workers receiving the lowest wages in society seems an excessively risk-averse strategy, especially if doing so is at considerable cost to maximizing average income in society, as might well be the case.<sup>8</sup> Instead, all we can claim of individuals behind a veil of ignorance is that they would insist on being able to keep their families from falling below the poverty line. But then we return to the basic questions: from behind the veil of ignorance, how big could these individuals reasonably expect their families to be, and what would they reasonably expect to be the sacrifices necessary in order to make sure that one spouse would be able to stay at home full-time taking care of only their own children?

It seems to me that, viewed from behind the veil of ignorance, it would be unreasonable to expect that someone at the bottom of society's wage scale could support three children and a stay-at-home spouse without working any

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<sup>7</sup> See Jeremy Waldron, *John Rawls and the Social Minimum*, in *LIBERAL RIGHTS* (1993).

<sup>8</sup> As elementary economics suggests, the high rates of taxation necessary to raise personal allowances to the highest possible level would discourage productivity, causing a drop in average income. See PAUL SAMUELSON & WILLIAM NORDHAUS, *ECONOMICS* 336 (14th ed. 1992).

overtime, or without the stay-at-home spouse making some extra money by taking in another child from the neighborhood. General economic conditions are such that many families cannot afford to have three children without some form of financial sacrifice. For one thing, if the government gave every adult enough money so that married couples could afford three children on one minimum-wage job, without overtime, it is likely that the population would begin to grow at an unsustainable rate. More unskilled workers at the bottom of the wage scale would choose to have three children rather than two, and over time the pool of public funds available to support the program of personal allowances would have to be spread over more and more people, thereby diminishing the size of each individual allotment. In this way, setting the personal allowance at the amount necessary to support three children with earnings from only one minimum-wage job is likely to prove unsustainable, because the government eventually will need to cut back the amount of the personal allowance in order to distribute its resources among the increased numbers of individuals in society.

Consequently, from behind the veil of ignorance, individuals could reasonably expect to maintain a stable program of personal allowances if married couples, relying on these allowances to stay above the poverty line, had two children rather than three. In other words, these married couples reasonably could expect to replace themselves, in the next generation of citizens, with two children of their own, but they could not expect to add additional members of the next generation of citizens without some form of economic sacrifice on their part necessary to maintain the overall system in equilibrium. Of course, married couples would still be free to have three children if they wished. Individuals behind the veil of ignorance would not deny this liberty. But they would set the amount of the personal allowance so that married couples could support two children on one full-time minimum wage, but would need to find some additional source of income in order to support a third child.<sup>9</sup>

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<sup>9</sup> The basic idea here is that, if you did not know any personal characteristics about yourself, you would endorse a policy that guaranteed citizens enough income so that couples could support two children above the poverty line, but you would reject a more generous minimum income policy. This idea might be defensible on the basis of particular empirical evidence about contemporary American attitudes concerning optimal family size, but I prefer to defend it, if possible, on a more general point about economic conditions and human psychology. In any event, the underlying point remains that, whatever the optimal amount of the personal allowance, it should be available equally to all adult citizens regardless of the number of children they actually have.



For these reasons, then, I conclude that the optimal social policy is one that provides adult citizens with a guaranteed minimum wage and a personal allowance that is sufficient to enable a married couple to support two children with one spouse working full-time. The government should not give families any additional funds if they have additional children. Instead, families should be expected to supplement their income through overtime work if they wish to support additional children on one spouse's minimum-wage job.

## V

My argument thus far assumes that married couples always choose whether or not to have a third child. This assumption obviously is open to challenge. After all, even the most careful use of birth control can lead to unexpected pregnancies. And it would be unreasonable to expect married couples to become sterilized after the birth of their second child. This child might unexpectedly die during childhood, and the couple would not want to be permanently deprived of the opportunity to raise two children to adulthood. Likewise, it would be unreasonable to expect married couples to seek an abortion in the event that the wife becomes pregnant with a third child despite the best of precautions. Consequently, it is inevitable that there will be some number of third children born to married couples who did not seek another child.

The question, however, is who should bear the risk of these unplanned pregnancies, the family or the state? The problem with having the state bear this risk is that it negates the incentive of couples to be diligent and careful in their use of birth control. If the state pays the cost of unexpected additional children, then couples who would like to have extra children, knowing they don't have to shoulder the additional cost, will have an incentive to be negligent in their use of birth control. Economists would consider this an example of the "moral hazard" problem.<sup>10</sup> Obviously, the state cannot monitor the use of birth control in the marital bedroom to check if couples are being sufficiently careful. Thus, the risk of unplanned pregnancies is one that should be borne by the couple rather than the government.

No doubt, an unplanned third child creates a significant financial burden on a couple with an income of only \$15,000. But, as we have seen, this burden is not insurmountable, since the couple can increase their income in any of several ways. Whether the stay-at-home spouse takes in another child from the neighborhood, or whether the other spouse works an extra ten hours a week,

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<sup>10</sup> On the concept of moral hazard, see KENNETH ABRAHAM, *DISTRIBUTING RISK* 14 (1986).

they will be able to find the means to keep the family from falling into poverty. Moreover, once the youngest child is old enough to attend school, both spouses can earn \$10,000 a year working full-time, for a total annual income of \$25,000, which is \$7500 above the poverty line.

Some married couples, of course, refuse to practice reliable birth control for religious reasons, and accordingly they run the risk of having a large number of children. Some religions also actively encourage their adherents to procreate as many children as possible. These religious adherents certainly should be entitled to follow the teachings of their religious faiths. They, like anyone else, should be free to have as many children as they wish. But other citizens, who do not share these religious beliefs, should not be forced to pay for the financial costs that result from the exercise of these religious views. If a religious couple cannot afford the large number of children called for by their religion's leaders, then the religion's leaders should make sure that the religious institution collects from its members the necessary funds to support this family. The religious institution should not be able to call upon the coercive power of the state to collect any portion of these funds from citizens who are not members of the religious institution.

## VI

So far, I have discussed only married couples with children, all of whom live together as one family. Many children today, however, live with only one parent, usually their mother.<sup>11</sup> Often, this situation is the result of a divorce or separation: the children's parents were married when the children were born, but the marriage has since dissolved. As a consequence, the father has left the family home, leaving the children to live there with their mother. Sometimes, and increasingly, however, a child's parents are unmarried when the child is born: the parents are not even living together and have no intention of doing so. In this circumstance, the child may be the result of an unplanned pregnancy, but in some cases one or both parents may have decided to have a child without any expectation of marriage or long-term commitment.

One virtue of the proposed personal allowance of \$2500 per year for each adult is that it enables a single mother to support one child by working full-time at a government-guaranteed job that pays \$5 per hour. To escape poverty, this mother needs \$10,000, which is what she will earn from the full-

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<sup>11</sup> In 1994, there were roughly 11.5 million single parent families in the United States, of which almost 10 million were single mothers. See STATISTICAL ABSTRACT OF THE UNITED STATES, table 71 (1995).

time job.<sup>12</sup> But if she works full-time, she will need to pay someone to take care of her child while she works. As I have indicated, she should be able to find a neighbor who will perform this service for \$50 a week, or \$2500 for fifty weeks, which is the amount of her personal allowance. In this way, she is able to stay afloat on her minimum-wage paycheck.

Alternatively, if this mother prefers to take care of her own child herself, she can make ends meet by taking in three other children from the neighborhood at \$50 a week for fifty weeks a year. Doing so will give her earnings of \$7500, which, together with her \$2500 personal allowance, will give her the \$10,000 a year she needs to stay out of poverty. Obviously, the mother does not need to pay an additional \$2500 in daycare expenses, since she is taking care of her own child. Thus, a single woman who accidentally becomes pregnant has at least two ways of avoiding poverty while raising her child.

But a single woman should not have to rely solely on her own income to support her baby. On the contrary, the father of the child should contribute his fair share to support the cost of raising the child. Assuming that the father also earns the government-guaranteed minimum wage of \$5 per hour, he should pay the mother \$2500 in child support, or the equivalent of his personal allowance. This child support payment leaves him with \$10,000 a year in earnings, an amount which is \$2500 more than he needs for just himself to stay above the poverty line. At the same time, adding \$2,500 to the mother's annual income gives her \$2,500 more than she needs to escape poverty (assuming, again, that she either works full-time at a minimum-wage job or takes care of three children in addition to her own child). Thus, the \$2,500 child support payment to the mother from the father puts both parents in the same financial situation as a result of the birth of their baby.

In my view, the government should guarantee that the mother receives this child support payment and undertake the obligation of collecting this money from the father.<sup>13</sup> To implement this guarantee, the government could establish a procedure whereby it begins depositing weekly child support payments into the mother's bank account as soon as she files with the government a notice of paternity identifying the father of the baby. If the man identified contests paternity, the government can order DNA testing in an effort to resolve the dispute. If the evidence establishes a sufficient probability of paternity, then the government can proceed to garnish the man's wages, or do whatever else is necessary to collect the child support owed to the woman.

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<sup>12</sup> See HHS Poverty Figures, *supra* note 1.

<sup>13</sup> Others have suggested alternative versions of government-guaranteed child support. See, e.g., IRWIN GARFINKEL, ASSURING CHILD SUPPORT (1992).

If paternity is not established, however, the government should stop depositing child support payments into the mother's account and require her to reimburse the government for any payments made during the pendency of the paternity dispute.

Some people argue that a mother should receive government-guaranteed child support payments even if she is unable or unwilling to establish paternity. I reject this view. The risk of failing to establish paternity should be on the individual woman, not society as a whole. Again, the reason is that the woman is in a position to avoid this risk, either by taking extra precautions to avoid an unplanned pregnancy, or by limiting her sexual relations to men she would be willing and able to identify as the father of the child.<sup>14</sup> If a man identified as the father was the woman's husband at the time the woman became pregnant, then the man should have the obligation to prove conclusively that he could not be the father.

It might be observed, in this context, that sometimes a single woman might reasonably fear retaliation from the father if she is forced to reveal his identity to the government for purposes of child support collection. Although this may be true, I still do not believe that a woman should receive guaranteed child support payments from the government unless she reveals the father's identity to the government. Simply put, a woman should not have sexual intercourse with a man unless she can trust him enough to identify him as the father of her child in the event of a pregnancy. Society should not be obligated to pay the cost of child support if a woman fails to heed this reasonable degree of prudence.<sup>15</sup>

In any event, even if the woman does not identify the father, and therefore cannot collect child support from the government, she still would be able to support her baby without falling into poverty. As long as she does not have another child, a full-time minimum-wage job plus her personal allowance will be enough to take care of herself and her child, including payment for daycare

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<sup>14</sup> I have been assuming that the sexual relations that caused the pregnancy were consensual. If not, then the circumstances are entirely different. In the case of a pregnancy caused by rape, if the woman chooses to keep the child rather than seek either an abortion or adoption, the government should pay the full cost of child support. No woman assumes the risk of rape. Instead, society as a whole must take responsibility for its criminals. This responsibility includes paying the costs of pregnancies caused by rape.

<sup>15</sup> It might be argued, alternatively, that all men should be DNA-tested, so that there could be a national database that could prove paternity in every case. I would support this alternative proposal, at least in theory, because it preserves the basic point that the two parents should be responsible for the costs of the child they create rather than impose those costs on society as a whole.

while she works. If she has a second child, however, the situation becomes more difficult.

## VII

If an unwed mother of two cannot or will not establish the paternity of either child, then she will be \$5,000 short of the amount she needs to stay above the poverty line. She needs \$12,500 a year to support herself and her children, not counting daycare expenses while she works outside her home. She will have \$12,500 if she works full-time at \$5 per hour, given her \$2,500 personal allowance, but then she will need an additional \$5,000 a year to pay for daycare. Alternatively, she could earn \$5,000 taking care of two other children in the neighborhood while she takes care of her own children, but that money together with her \$2500 personal allowance still leaves her \$5000 short of the \$12,500 she needs to keep her family out of poverty.

It is difficult to see what she could do to increase her income. Working overtime is not a realistic option, since doing so would increase her daycare expenses, and as a single parent she needs to spend some significant amount of time with her children each day. As a daycare provider herself, she might try to take two more children from the neighborhood into her own home at \$2500 each per year. But a total of six preschool children in one house with one adult is not a good idea at all. Even if the mother would be willing to try it, government regulations should limit the total number of preschool children in home-based daycare to four (unless the caregiver is the parent of all the children in the home).

If the mother is unable to increase her income, then she must reduce her expenses. One way of doing so would be for her to move in with another unwed mother of two children. By sharing housing costs and other expenses, the two mothers would need only \$20,000 a year, compared with the combined total of \$25,000 they would need if they live separately.<sup>16</sup> Coming up with \$20,000 a year is still no easy matter, but it is at least feasible. The two mothers could achieve this amount if one works a regular full-time job while the other takes care of all four kids, and then they each work a ten-hour shift on weekends. The combined total of sixty hours of work each week, at \$5 per hour, would yield \$15,000, which when added to their two personal allowances of \$2,500 each, would yield the required total of \$20,000.

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<sup>16</sup> This difference is based on official poverty figures, *see* HHS Poverty Figures, *supra* note 1, and results from the economies of scale associated with two adults sharing a dwelling.

Of course, the two mothers could decide to divide up the sixty hours of work, and their child care responsibilities, in some different fashion. For example, they both could work three ten-hour shifts outside their home, while they alternately each take care of both sets of kids. But, however they divide up the hours, the result will be more burdensome than if they only had to work a combined total of forty hours outside the home. Moreover, their shared dwelling is likely to be quite cramped for both themselves and their children. Given how much of their \$20,000 income they need to devote to food for six people, as well as clothes and other necessities, they won't have a lot of money for rent. For example, they might have to settle for a three-bedroom apartment, which would force the two mothers to share a bedroom, as well as require the children to double-up. These financial hardships, however, are the reasonable price the women have to pay for failing to establish the paternity of their children.

If a single mother of two children establishes paternity for both, then her economic circumstances are much improved under my proposal. As we have seen, she needs \$5,000 a year in addition to her personal allowance and her earnings from a full-time minimum-wage job. She can obtain this money from the government simply by identifying the father, or fathers, of her two children. Let us assume, first, that there is only one father involved. If the father also has a full-time minimum-wage job, then requiring him to pay \$5,000 in child support reduces his annual income to \$7,500, which is just enough to keep him above the poverty line. This result is entirely fair, since the mother herself also has just enough to stay out of poverty.

If there are two fathers involved, determining the amount of child support for each is slightly more complicated. The father of the first child should pay \$2500 per year, since that is the amount of support owed to the mother of one child. One might easily think that the father of the second child should also pay \$2500, since that is the additional amount necessary to keep the mother out of poverty, as well as the amount paid by the first father. But I believe the second father should pay \$3750 in child support rather than \$2500. If he pays only \$2500, then he is left with \$2500 more than he needs to stay above the poverty line (assuming, again, that he, too, works at a full-time minimum-wage job). He and the mother should split the surplus equally, because they should equally share the economic consequences of procreating the child. This equal division of the surplus is certainly fair if the mother and second father were married when the child was conceived but have subsequently separated. A husband surely knows if his wife already has one child by a previous marriage (or liaison) and is responsible for making sure that, if they get

divorced, his wife is in no worse financial position than he is as a result of the birth of their own child.

This principle should hold as well for second fathers who were not married to the mothers at the time of conception. It should be their responsibility to learn if their sexual partner already has one child, and if their conduct causes the mother to become pregnant again, then they should equally share the financial burdens resulting from the birth of the second child. If they do not want to pay \$3750 in child support, then they should make sure that they do not cause a pregnancy.

But whether a single mother of two in this situation receives a total of \$5000 or \$6250 in child support, she is much better off than a single mother who receives no child support at all because she fails to establish paternity for either child. Whereas the latter mother may need to double up with another similarly situated woman, the mother who establishes paternity for her two children is able to live with them on her own without working overtime. Presumably, once women are on notice of the significant consequences of failing to establish paternity for two children, they will have a strong incentive to avoid this situation.

## VIII

The situation in which a single mother has *three* preschool children will be even more difficult if she cannot establish paternity for any of them. In this situation, which I trust would be an extremely infrequent occurrence, she needs \$10,000 more than her personal allowance and income from a full-time minimum-wage job.<sup>17</sup> If she cannot collect child support, her only recourse is to move into some kind of group home with other such women, or find some kind of charity to support her.<sup>18</sup>

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<sup>17</sup> She needs \$7,500 for herself, \$7,500 for basic care for the children, and \$7,500 for daycare, minus \$12,500 in income. Alternatively, if she takes care of one neighborhood child, in addition to her own, she has an income of \$2,500, which together with her personal allowance of \$2,500, leaves her \$10,000 short of the \$15,000 she needs.

<sup>18</sup> By my calculations, four women, each with three children, could make ends meet without any child support payments by living together in a group home and sharing work and child care responsibilities. They would need a combined total of \$45,000 per year, of which \$10,000 would come from their four personal allowances. Another \$20,000 would come from two of the women working full-time shifts on weekdays, one during the day and the other in the evenings. These women would take turns joining the other two in providing child care to the total of twelve children. The final \$15,000 would come from each of the women working a 7.5 hour shift during

But if a woman does establish paternity for her three children, then she should be guaranteed at least enough child support to keep her and her children out of poverty. Consider, for example, a divorced woman whose husband abandoned her after they had three children together. She should not have to suffer poverty as a result of his desire to leave. Therefore, he should pay the amount of child support necessary to keep her and the children out of poverty.

This obligation will be difficult for him if he is capable of earning only the minimum wage of \$5 per hour. As indicated above, with three children to feed, his ex-wife needs \$10,000 in child support to stay out of poverty. If he works full-time, the ex-husband needs to hand over his entire paycheck to satisfy his child support obligation. Doing so would leave him only his personal allowance of \$2500 to live on, which is \$5000 short of what he needs to stay out of poverty.

In this situation, then, the ex-husband needs to work an additional twenty hours per week in order to keep afloat. While this extra work is undoubtedly burdensome, the burden is temporary. As each child becomes old enough to attend public school, there is no need to pay that child's daycare expenses (or the equivalent in lost earnings for the mother if she takes care of the child at home). Consequently, the amount of child support can be reduced by \$2,500 when the oldest child enters school, thereby permitting the father to cut back to a fifty-hour work week, and another \$2500 when the second child enters school, which would enable the father to resume an ordinary full-time schedule. When the youngest child enters school, child support should be reduced only by \$1250, in order to maintain economic parity between the father and mother.

In any event, this temporary burden of overtime work is entirely fair, for he is the father of the children, and their mother cannot be expected to work overtime. After all, she needs to take care of the children in the evenings and on weekends. Moreover, if a man wishes to leave his wife after they have had three children together, he should be prepared to pay the price necessary to keep his ex-wife and children out of poverty.

But the man should be required to pay this amount of child support even if it is the wife who chooses to leave him. For example, women who suffer spousal abuse need to be able to walk away from their marriages without risk

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the weekends, while the other three take care of the kids. Presumably, conditions in the group home would resemble dormitory-style living, with the four women sharing a bedroom, and the twelve children sharing two or three rooms. The desire to avoid these conditions should be all the more reason for women to identify their children's fathers in order to collect child support.



of falling into poverty. However, even if the wife leaves the husband for no good reason, the risk of a bad marriage should be borne by the individual husband and not by society at large. Marriage, as the saying goes, is not to be entered into lightly, and if society subsidizes the costs of divorce, the result inevitably will be more irresponsible marriages.

Now, we must assume that some divorced men will attempt to avoid paying the amount of child support necessary to keep their children and ex-wives out of poverty, especially if this amount requires them to work substantial overtime. But, as I have already suggested, the government should guarantee that the mother receives the amount owed to her and then undertake the responsibility of collecting this amount from the father. The government should have the authority to order the father's employer to withhold the father's child support obligation from his weekly paycheck. Thus, if a father of three owes \$10,000 per year, the government should be entitled to collect the first \$200 from the father's weekly wages.

If at this point a father decides he would prefer to stop working altogether and sponge off relatives or friends, rather than work the overtime necessary to support himself while paying child support, the government should have the authority to force the father to work the number of hours necessary to pay the child support obligation. While this idea of "forced labor" might sound offensive at first blush, it is entirely appropriate given the father's responsibility for bringing his children into the world. The obligation to pay child support should be seen as entirely different from debts that arise from commercial transactions, which may be discharged in bankruptcy. The debt of child support should be non-dischargeable, and the government should have the power to enroll a father in a mandatory work camp if doing so is necessary to make the father pay off the debt.

There is always the risk, however, that fathers will flee the country if they face the threat of a mandatory work camp for failure to pay their child support obligations. The government should do its best to minimize this risk by invoking extradition treaties where necessary. But if the government is simply unable to hunt down a "deadbeat dad," then the government should continue to guarantee child support payments to the mother and absorb the loss resulting from the father's flight. As long as the mother fulfills her obligation to establish paternity, she should not suffer poverty if the father manages to escape prosecution for failure to repay his debt to the government.

The threat of a mandatory work camp for nonpayment of child support should apply to unmarried as well as divorced fathers. In addition, the threat should apply equally to mothers, whether unmarried or divorced, when fathers are the custodial parents. The fundamental point is that, because noncustodial

parents are as responsible as custodial parents for bringing children into the world, the noncustodial parents must bear the financial responsibility of making sure the children and the custodial parents do not suffer poverty. As long as the government guarantees the noncustodial parent a minimum wage job, by which the noncustodial parent can work off child support obligations, it is entirely fair for the government to force this parent to work off this debt, no matter how many years of working overtime may be required. If a person does not want to run the risk of facing burdensome child support obligations sometime in the future, that person should make sure to avoid having three or more children while being capable of earning only the minimum wage.

## IX

Still to be considered are the special problems of underage parenthood. According to my proposal, only adults receive personal allowances of \$2500. Consequently, parents who are themselves under age eighteen, and therefore not yet adults themselves, do not receive these personal allowances. The question then arises whether some other form of public funds are necessary to cover the costs of the children of underage parents. As I explain below, some underage mothers will need to live in a group home funded by the government, but for the most part the problems of underage parenting can be handled through the system of government-guaranteed child support payments that I have already described.

With respect to underage parenting, there are really two distinct problems to consider. First is the problem of underage girls becoming pregnant by adult men. Second is the problem of boys getting girls (and, occasionally, women) pregnant. I will take up each of these problems in turn.

If an adult male impregnates a girl under eighteen years of age, he should be required to pay child support, just as he would be if the mother were an adult. The government should guarantee payment of this child support, as long as the mother identifies the father, just as the case would be if the mother were an adult. The key question, however, is to whom should the child support be paid: to the mother herself, or to the mother's own parents?

The answer to this question depends upon one's views about the emancipation of minors. If one believes that a minor should be free to quit school, leave home, find a job, and live alone, then one should favor giving the child support payment directly to the minor mother. On the other hand, if one believes that minors should stay at home with their parents until they finish high school, then one should favor giving a minor mother's child support payments to the mother's parents rather than to the mother herself.

I, for one, take the latter view. I do not believe that minors are, on average, mature enough to live on their own. Moreover, I believe that compulsory education laws should require minors to attend school until age eighteen, or until they complete high school, whichever comes first. I favor extending compulsory education in this way for two distinct reasons. First, given technological skills required of employees in today's economy, I do not believe that individuals are sufficiently prepared to enter the labor force until they complete a high school education. Second, and even more important, I do not believe that individuals can be adequately prepared for the rights and responsibilities of democratic governance unless they have obtained a high school education. Accordingly, I believe that single mothers under eighteen years of age should stay at home with their own parents, or some other legal guardian, until they finish high school, at which time they can, if they wish, move out on their own and find a job. I further believe that the parents, or legal guardians, of an underage mother should be appointed legal guardians of their daughter's baby until she turns eighteen or finishes high school, whichever comes first. As guardians of the baby, the maternal grandparents should be the ones to receive the guaranteed child support payments from the government.

There is also the issue of the amount of child support that the maternal grandparents should receive in this situation. Unlike the adult mother, the underage mother cannot be expected to work full-time to support her own baby. She needs to stay in school. And while the grandparents can be expected to cover the underage expenses of the mother herself—she was living in their home to begin with and is still their responsibility until she reaches adulthood—the grandparents should not be expected to bear the additional cost of the baby, which amounts to \$5,000 a year (\$2,500 for basic expenses and \$2,500 for daycare). Both grandparents may be unskilled workers earning the minimum wage, and they may well have other children at home besides their daughter with the baby. Thus, the maternal grandparents should receive \$5,000 in child support from the father.

This amount, to be sure, is double the amount of child support that a father would pay if the mother were an adult living on her own. Paying this amount of child support is obviously a burden on a father who himself makes only \$5 per hour. However, it is altogether appropriate to place this burden on the father. Recall that, for now, we are confining ourselves to the situation in which an underage girl becomes pregnant by an *adult* man. Quite apart from whether the man's conduct should be considered a crime punishable by serious jail time, it is surely fitting to make the man pay the amount of child support necessary to enable the mother's family to take care of the child. Also, it may

be impractical to enforce traditional statutory rape laws against a man whose criminal conduct leads to the birth of a child, because it is more desirable to have the man earning a paycheck and supporting the child, rather than serving an ordinary jail sentence. This is why it is more feasible to force the man to pay the necessary child support, backed by the threat of a mandatory work camp, if necessary. Time served in a work camp, as needed to pay off the debt of child support, effectively promotes the goal of paternal responsibility.

The grandparents should not receive this child support if their daughter fails to identify the father of the baby.<sup>19</sup> The grandparents should nonetheless be able to stay out of poverty, unless they have a large number of their own children living at home with them. Even if both grandparents earn only the minimum wage, they will still have an annual income of \$25,000 (two paychecks plus two personal allowances) if both work full-time. This amount is enough to support themselves (\$10,000), their daughter and her new-born baby (\$7,500), and three other school-aged children (\$7,500) without slipping into poverty.<sup>20</sup>

But suppose, instead, that the maternal grandmother is herself an unwed mother of two children who failed to establish paternity for either of her children. In this situation, if the grandmother earns only \$5 per hour and works full-time, her annual income will not be enough to support her underage daughter's newborn baby. Her income is only enough to support herself and her own two children, one of whom is the underage mother, and the other of whom (let us assume) is a younger sibling. Thus, the grandmother needs an extra \$5,000 a year in income to support the entire family. Either she needs to work an extra twenty hours a week, or the underage mother needs to obtain a part-time job while she finishes high school. Although it is some burden to work twenty hours a week while finishing high school, it is not impossible.

Thus, as long as the underage mother can live at home with her own mother, or some other legal guardian, she should be able to support her baby without excessive hardship. The burden of working part-time is the price she has to pay for being unable to identify the father of her new-born baby. But if

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<sup>19</sup> If one believes that any sexual intercourse involving a girl under eighteen is nonconsensual, then one would reject this conclusion for the reasons stated in note 14, *supra*. And certainly any sexual intercourse between a young girl and a much older man cannot be considered consensual. But I believe that many instances of sexual intercourse involving older teenage girls—sixteen and seventeen years old—should be considered consensual, especially if the male partner is not much older than the girl. In these circumstances, at least, the girl should be responsible for identifying the father of any child resulting from her sexual relations.

<sup>20</sup> The calculation of this figure includes \$2,500 in daycare expenses.

the underage mother loses her own mother, and becomes an orphan, then she and her child will need to live in a group home of some kind, unless another family will take them in. This group home would function as a boarding school for the underage mothers and a daycare center for their young children. To cover its operating expenses, the group home will receive from the government, in addition to the educational subsidy necessary to support the school's curriculum, \$2500 for each resident mother. This money can be seen as the proceeds of a life insurance policy that the government purchased for the underage mother's own mother.<sup>21</sup>

The group home can avoid daycare expenses by having half of the mothers take care of all the infants in the morning (under supervision of an adult) while the other half of the mothers attend school, and then having the two groups switch in the afternoon.<sup>22</sup> Similarly, the group home can raise \$2500 in additional income per resident by having half of the mothers work ten hours on Saturdays and half work ten hours on Sundays.<sup>23</sup> If these funds are not sufficient to operate the group home, then the government will need to provide for the shortfall. Of course, many of the orphaned mothers may be eligible for child support because they can establish paternity. In this case the group home would receive these child support payments to help defray its expenses.

The fact that some underage mothers will need to live in group homes of this nature should not be condemned as a failure of government to provide more generous financial support for these mothers. As we have seen, these mothers, with or without child support, would be able to stay out of poverty if they had a parent or other adult guardian with whom they could live. Thus, the existence of these group homes is caused not by a lack of economic resources but rather by a lack of an adult to provide a private home for the underage mother and her child. This problem is not economic in nature and can only be

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<sup>21</sup> Recall, here, the assumption that the government should provide citizens with adequate life insurance, so that families of deceased wage earners can stay above the poverty line.

<sup>22</sup> Four hours of schooling should be sufficient to prepare these teenage mothers for the work force and citizenship. They could take two hours a day of vocational education (including mathematics) and two hours a day of civics education (including history and social studies). While this curriculum eliminates some of the elective offerings that would be available to them if they attended an ordinary high school while living with their parents—art and music appreciation, for example—such is the price one must pay for being a teenage mother who is unable to identify the father of her child.

<sup>23</sup> The residents can also trade-off child care responsibilities in evening hours, so that they can get their homework done.

solved by the government or some charitable organization providing a group home in which the underage mother and her baby can live.

## X

Now let us turn to the situation in which the father of a child is himself a minor. Let us suppose that the mother has no difficulty establishing paternity. The father is still in high school, living at home with his parents, and has no income of his own. He currently has no after-school job because he works hard on his studies, hoping to get into a good college, so that he can have a successful career. Both he and the girl realize they made a mistake, they should have used birth control, or abstained from intercourse, but they both realize that they should not get married to each other, at least not when they are both sixteen. Yet she is not going to have an abortion; she strongly objects to the idea on religious and emotional reasons. Now that she is pregnant, she is going to do the best to care for her baby. The question then becomes whether the sixteen-year-old boy should be ordered to pay \$5000 per year in child support, an obligation he certainly would have if he were eighteen.

Absolutely. He should not get off the hook just because he is a minor. He still engaged in conduct that makes him the father of the baby, and that alone suffices to obligate him to provide the child support necessary to permit the mother to finish high school while she lives at home with her parents and the baby. If he works twenty hours a week for fifty weeks a year he will earn enough money to pay the \$5000 needed for child support. While this work schedule is difficult, it is not impossible: two hours every weekday afternoon and one ten-hour shift on weekends would suffice.

Someone might argue that the father should work only half this amount, while the underage mother should be required to make up the difference by also working 500 hours a year. I reject this argument, however, because the mother needs to spend as much time as possible with her new baby. Both father and mother are attending high school and need to do their homework. The mother, therefore, already has limited time to spend with the baby. The father also needs to spend some time with his child, but he does not have custody of the child, and thus cannot be expected to spend equal time with the child. As a result, he should do the work necessary to provide the economic support for the baby, which he would be expected to do if he were an adult. If he did not want to work this schedule, he should have avoided the conduct that caused the pregnancy. In short, the important message to convey to teenage boys, as well as girls, is that pregnancy will cause them to incur substantial economic costs.

## XI

One final question needs to be addressed: Even if the government should not give parents a cash allowance to cover the costs of their children's food, clothing, and other necessities, why not have the government pay the daycare costs of children? After all, the government pays for all children to receive public education—and does so no matter how many children there are in any given family. Why not extend this principle to preschool daycare?

The answer to this question is that daycare is not the same as school. Perhaps compulsory schooling should start at three or four instead of five or six, but daycare for an infant or toddler under three years of age is not an early form of schooling.<sup>24</sup> Instead, it is a substitute for at-home parental care. Parents should be free to purchase this substitute parenting if they wish—whether in the form of a nanny, an institutional daycare facility, or the kind of neighborhood arrangements I have described in this essay—but none of these forms of daycare is any more a form of schooling than is parental care during the preschool years.

Even if parental care of infants and toddlers is not necessarily superior to these various forms of daycare (a debatable proposition), it is certainly not inherently inferior. The same cannot be said of parenting in comparison to compulsory schooling. The state may tolerate "home schooling" as an alternative to conventional school-based academic education, but only if the parent's home-schooling program passes certain accreditation standards to make sure it is equivalent in academic standards to ordinary schooling. Compulsory schooling is designed to serve an entirely different purpose than parenting: schooling prepares a child for adult citizenship in a democratic society after the child is no longer under the authority of his or her parents.<sup>25</sup>

Thus, when the state pays for compulsory education, it is not paying for the equivalent of parenting. Instead, it is paying for a child's preparation for civic responsibilities. Because all children will become equal citizens of our democracy, it is entirely appropriate that the government pay the expenses of their compulsory schooling no matter how many siblings they have.

The same cannot be said of a child's daycare expenses during the infant and toddler years. The government does not, and should not, license parents to

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<sup>24</sup> On this point, see LEACH, *supra* note 5, at chs. 4, 7.

<sup>25</sup> Another way to make the same point is to say that the role of the school teacher is very different from the role of the parent, and being a good parent to a child is not at all the same as being a good school teacher. By contrast, a good nanny or daycare provider is entirely replaceable by a good parent, and thus the role of the nanny or daycare provider is merely a stand-in for the absent parent.

make sure they give a standard of care equivalent to that provided in institutionalized daycare facilities. On the contrary, the government does, and should, license these institutional facilities in an effort to make sure that the services they provide come as close as possible to the kind of care that we expect of parents at home. Thus, if the government is going to pay daycare centers to take care of infants and toddlers, it should also pay parents to stay home and take care of infants and toddlers. In other words, if the government pays for substitute parenting, it should pay for the real thing.

But if the government pays parents to take care of their own kids at home the same fundamental objection can be raised against this payment as is raised against child allowances. When the state pays parents to take care of their own children, it favors large families over small families and couples with children over couples that prefer to remain childless. The state, however, should not engage in this form of favoritism. Instead, the state should give adults enough money so that they can have children if they want, but they should be entitled to spend this money for entirely different purposes if they prefer.

Thus, we should reject the idea of state-subsidized daycare facilities for the same reason we reject the idea of child allowances. Instead, we should advocate the idea of a sufficiently generous personal allowance for all adults, together with a guaranteed minimum-wage job, that gives working couples enough income to purchase daycare for two children without slipping into poverty. The proposal described in this essay satisfies this criterion. Under this proposal, a married couple with two full-time minimum-wage jobs has a combined annual income totaling \$25,000, which is \$10,000 more than the family needs for its basic living expenses, thereby enabling the couple to purchase up to \$10,000 worth of daycare for their two children. In this way, then, the proposal amply satisfies the daycare needs of two-career families, yet at the same time does not disfavor adults who either don't have children at all or don't need to purchase daycare for their children. Accordingly, the proposed system of personal allowances and minimum-wage jobs is far superior to any plan for state subsidized daycare.

## XII

In closing, I wish to note that adopting this proposal for personal allowances would not be excessively expensive. Given an adult population of 200 million, at \$2500 per adult, it would cost \$500 billion. Adopting this proposal, however, would permit the government to make a number of offsetting reductions in public expenditures. For example, the government could eliminate all of the money it has traditionally spent on AFDC, food



stamps, public housing, and other so-called welfare programs (or the block grants that replace these programs). In addition, the government could eliminate the Earned Income Tax Credit, the child care tax credit, and a number of other tax benefit programs. I conservatively estimate the total savings from eliminating all these programs would be approximately \$100 billion.<sup>26</sup>

Now, to evaluate the true cost of my proposal, one would have to include the cost of guaranteeing everyone a minimum-wage job of \$5 per hour. If twenty-five million individuals took advantage of this guarantee and collectively worked the equivalent of twenty-five million full-time jobs,<sup>27</sup> the cost of this guarantee would be another \$250 billion per year, for a net total of \$650 billion. While this number seems large, it is only one-tenth of the nation's Gross Domestic Product.<sup>28</sup> Thus, the system of personal allowances and guaranteed minimum-wage jobs could be financed by a ten percent national consumption or value-added tax.

This ten-percent value-added tax seems a reasonable price for two basic features of a truly fair society: first, that all married couples have enough money to raise two children without both spouses having to work outside the home full-time; and second, that single mothers will have enough money by working full-time to care for an unexpected child in the event that they cannot collect child support. But if this nation is unwilling to pay this price to achieve these goals, then at the very least the government should still guarantee every adult a minimum-wage job. As we saw in Part III, even without personal allowances of \$2500 per adult, two minimum-wage jobs would be enough to afford the costs of raising two children, including their daycare costs.

Moreover, if the nation accepts this idea of a guaranteed minimum-wage job but rejects the idea of supplementary personal allowances for adults, it does not follow that we should resurrect the idea of child allowances. The fundamental objection to child allowances still stands, even if a single mother working full-time has an income of only \$10,000, rather than the \$12,500 necessary to pay for daycare as well as living expenses. The fundamental point is that the government should stipulate a specific amount of guaranteed minimum income that an adult working full-time will receive each year. Adults should then adjust their plans for having children accordingly. The

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<sup>26</sup> See STATISTICAL ABSTRACT, *supra* note 11, at table 589.

<sup>27</sup> I base this estimate on the number of unemployed workers (8 million), combined with a judgment about the number of citizens who currently do not seek work but who might do so if this kind of public works program were adopted.

<sup>28</sup> In 1994, the Gross Domestic Product was \$6.7 trillion. See STATISTICAL ABSTRACTS, *supra* note 11, at table 699.

government, simply put, should not pay people to have children. Parents should pay for their children themselves.

Although I would prefer that the guaranteed minimum income from working full-time be enough for a single mother with a newborn baby to escape poverty while maintaining her own household, if the government is less generous than to allow this amount then the single mother will need to move in with family, friends, or other similarly situated women. But in no event should she, or anyone else, expect other citizens to pay for costs of supporting the baby, costs which are a consequence of exercising reproductive liberty. This reproductive liberty should remain fully protected as a fundamental constitutional right, but no one should be forced to pay the cost of other people's exercise of this fundamental freedom.